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CONNERS  
& BERRY, PLC

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OFFICE OF THE  
EXECUTIVE SECRETARY

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March 30, 2001

Mr. David Waddell  
Executive Secretary  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 37243-0505

In Re: *Docket to Establish Generic Performance Measures, Benchmarks and  
Enforcement Mechanisms for BellSouth Telecommunications, Inc.*  
Docket No. 01-00193

Dear David:

Please find enclosed the original and thirteen copies of a Petition to Intervene filed  
behalf of Birch Telecom of the South, Inc. ("Birch") in the above-captioned proceeding.

Very truly yours,

BOULT, CUMMINGS, CONNERS & BERRY, PLC

*Henry Walker*

By: *by WLM w/permission*  
Henry Walker

HW/

**BEFORE THE TENNESSEE REGULATORY AUTHORITY  
NASHVILLE, TENNESSEE**

**March 30, 2001**

IN RE:     *Docket to Establish Generic Performance Measurements, Benchmarks and  
Enforcement Mechanisms for BellSouth Telecommunications, Inc.*  
Docket No. 01-00193

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**PETITION TO INTERVENE**

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Birch Telecom of the South, Inc. ("Birch") petitions the Authority to intervene as a matter of right in the above-captioned proceeding pursuant to T.C.A. § 4-5-310.

The above-captioned docket concerns the development of a common set of performance measurements, benchmarks and enforcement mechanisms to ensure that BellSouth Telecommunications, Inc. ("BellSouth") provides non-discriminatory access to its network elements as required by the Telecommunications Act of 1996.

Birch purchases network elements from BellSouth and therefore has an interest in the outcome of this proceeding. Granting this petition will not impair the orderly and prompt conduct of these proceedings.

An order granting the petition is attached.

Respectfully submitted,

By: Henry Walker by WCM w/permission  
Henry Walker  
Boult, Cummings, Conners & Berry, PLC  
414 Union Street, Suite 1600  
P. O. Box 198062  
Nashville, Tennessee 37219  
(615) 252-2363

**BEFORE THE TENNESSEE REGULATORY AUTHORITY  
NASHVILLE, TENNESSEE**

**March 30, 2001**

IN RE:        *Docket to Establish Generic Performance Measurements, Benchmarks and  
Enforcement Mechanisms for BellSouth Telecommunications, Inc.*  
Docket No. 01-00193

**ORDER**

For good cause shown, the Authority finds that Birch Telecom of the South, Inc. ("Birch") is entitled to intervene in the above-captioned proceeding pursuant to T.C.A. § 4-5-310. Birch has an interest in the development of a common set of performance measurements, benchmarks and enforcement mechanisms to ensure that BellSouth provides non-discriminatory access to its network elements. The petition is therefore GRANTED.

\_\_\_\_\_  
Chairman

ATTEST:

\_\_\_\_\_  
Executive Director

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been forwarded via U.S. Mail, postage prepaid, to the following on this the 30 day of March, 2001.

Guy Hicks, Esq.  
BellSouth Telecommunications, Inc.  
333 Commerce St.  
Suite 2101  
Nashville, TN 37201-3300

Jim Lamoureux, Esq.  
AT&T Communications of the South Central States  
Room 8068  
1200 Peachtree St., NE  
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Tim Phillips, Esq.  
Office of the Attorney General  
Consumer Advocate and Protection Division  
P.O. Box 20207  
Nashville, TN 37202

*Henry Walker*  
*by W M J permission*  
\_\_\_\_\_  
Henry Walker